

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

GREGORY ATWATER,

Plaintiff,

v.

Case No. 19-cv-363

DR. KUBER , *et al.*,

Defendants.

ORDER

On January 5, 2022, the court held a telephonic hearing on plaintiff Gregory Atwater's motion for reconsideration of the dismissal of the medical malpractice claim against defendant Dr. Prapti Kuber. (ECF No. 181) At the hearing, the court decided as follows:

IT IS HEREBY ORDERED that Atwater's motion for reconsideration (ECF No. 181) is **GRANTED** and the state law medical malpractice/medical negligence claim against Dr. Kuber is **REINSTATED**.

IT IS FURTHER ORDERED that discovery will remain **CLOSED**.

IT IS FURTHER ORDERED that Jane/John Doe 1 defendant is **DISMISSED**.

IT IS FURTHER ORDERED that the motion for summary judgment by Beth Dittmann, Bonnie L. Gugler, Dr. Prapti Kuber, and Denise Stepflug (ECF No. 149) is **DENIED without prejudice**.

IT IS FURTHER ORDERED that both of Atwater's motions for leave to file a sur-reply (ECF Nos. 191, 193) are **DENIED as moot**.

IT IS FURTHER ORDERED that Dr. Kuber may file a renewed motion for summary judgment by **March 4, 2022**. Atwater's response is due by no later than **April 4, 2022**, and Dr. Kuber's reply is due by **April 18, 2022**. The court will withhold ruling on defendant Michael Hintz's motion for summary judgment (ECF No. 163) until Dr. Kuber's renewed motion for summary judgment is fully briefed.

Dated at Milwaukee, Wisconsin this 5th day of January, 2022.

BY THE COURT

A handwritten signature in black ink that reads "William E. Duffin". The signature is written in a cursive style with a horizontal line underneath the name.

WILLIAM E. DUFFIN
United States Magistrate Judge